



Senate

General Assembly

File No. 720

January Session, 2009

Substitute Senate Bill No. 1116

Senate, April 20, 2009

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REQUIRING CRIMINAL HISTORY RECORDS CHECKS FOR YOUTH CAMP EMPLOYEES AND VOLUNTEERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) Except as provided in
2 subsection (b) of this section, each youth camp licensed pursuant to
3 chapter 368r of the general statutes shall require an individual to
4 submit to state and national criminal history records checks prior to
5 the individual: (1) Beginning employment at the camp, (2)
6 volunteering at the camp, or (3) assuming responsibility for
7 transporting any child attending the camp in a motor vehicle. The
8 criminal history records checks required under this subsection shall be
9 conducted in accordance with section 29-17a of the general statutes.

10 (b) The criminal history records checks under subsection (a) of this
11 section shall not be required for any individual who has successfully
12 completed a background check for immigration purposes in
13 accordance with federal law within the six-month period prior to the
14 date such individual (1) begins employment at the camp, (2) begins

15 volunteering at the camp, or (3) assumes responsibility for
16 transporting any child attending the camp in a motor vehicle.

17 (c) The cost of the state and national criminal history records checks
18 required under subsection (a) of this section shall be paid by the youth
19 camp.

20 Sec. 2. Section 19a-422 of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2009*):

22 To be eligible for the issuance or renewal of a youth camp license
23 pursuant to this chapter, the camp shall satisfy the following
24 requirements: (1) The location of the camp shall be such as to provide
25 adequate surface drainage and afford facilities for obtaining a good
26 water supply; (2) each dwelling unit, building and structure shall be
27 maintained in good condition, suitable for the use to which it is put,
28 and shall present no health or fire hazard as so certified by the
29 department and the State Fire Marshal or local fire marshal, as
30 indicated by a current fire marshal certificate dated within the past
31 year and available on site when the youth camp is in operation; (3)
32 there shall be an adequate and competent staff, which includes the
33 camp director or assistant director, one of whom shall be on site at all
34 times the camp is in operation, activities specialists, counselors and
35 maintenance personnel, of good character and reputation; (4) prior to
36 assuming responsibility for campers, staff shall be trained, at a
37 minimum, on the camp's policies and procedures pertaining to
38 behavioral management and supervision, emergency health and safety
39 procedures and recognizing, preventing and reporting child abuse and
40 neglect, and criminal history records checks shall be conducted for
41 such staff in accordance with section 1 of this act; (5) all hazardous
42 activities, including, but not limited to, archery, aquatics, horseback
43 riding and firearms instruction, shall be supervised by a qualified
44 activities specialist who has adequate experience and training in such
45 specialist's area of specialty; (6) the staff of a resident and nonresident
46 camp shall at all times include an adult trained in the administration of
47 first aid as required by the commissioner; and (7) records of personal

48 data for each camper shall be kept in any reasonable form the camp
49 director may choose, and shall include (A) the camper's name, age and
50 address, (B) the name, address and telephone number of the parents or
51 guardian, (C) the dates of admission and discharge, and (D) such other
52 information as the commissioner shall require. Any youth camp
53 licensed under this chapter shall operate only as the type of camp
54 authorized by such license. Such camps shall not advertise any service
55 they are not equipped or licensed to offer. The license shall be posted
56 in a conspicuous place at camp headquarters and failure to so post the
57 license shall result in the presumption that the camp is being operated
58 in violation of this chapter.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	19a-422

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Public Safety, Dept.	GF - Cost	Potential	Potential
Public Safety, Dept.	GF - Revenue Gain	See Below	See Below
Various State Agencies	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	Cost	Potential	Potential

Explanation

The bill requires employees, volunteers, applicants, and various affiliates of youth camps licensed by the Department of Public Health (DPH) to submit to state and local background checks to be performed through the Department of Public Safety (DPS), though it exempts any individual who has successfully completed a background check for immigration purposes within the six months prior to youth camp involvement. This results in a potential cost to DPS, and a potential cost to various state agencies and municipalities.

DPS currently performs state and national criminal history checks through the Automated Fingerprint Identification System (AFIS). DPS performed 166,344 criminal history checks in calendar year 2008 and it is anticipated that fewer than 15,000 additional applicant checks would be required under the bill. By contract, DPS is allowed approximately 1,200 AFIS transactions per day; with the estimated increase under the bill there would be an average of no more than 497 transactions per day. To the extent that this increase in background checks would

cause the daily transaction allowance to be exceeded at any given time there is a potential cost associated with purchasing additional capacity from the AFIS service provider. It is anticipated that the 11 Technicians, 3 Supervisors, and 1 Director that currently comprise the Bureau of Identification would be able to accommodate this influx within the normal course of their duties at no additional cost.

The fee for an individual applying for a state and national criminal history records check for a paid position is \$44.25 (\$25 for the state check and \$19.25 for the federal check); the fee for an individual applying for such a background check for a volunteer position is \$30.50 (\$15.25 for the state check and \$15.25 for the federal check), though under CGS 29-17a state agencies are exempt from state fees. To the extent that various state agencies and municipalities run youth camps, there is a cost associated with covering the appropriate fee as required by the bill. There is also a corresponding revenue gain to DPS.

The Out Years

The annualized ongoing cost to DPS identified above would continue into the future subject to inflation; the cost to various state agencies and municipalities and the revenue gain identified above would remain constant into the future as fees are set by statute.

Sources: Select Committee on Children Public Hearing 2/5/09

OLR Bill Analysis**sSB 1116*****AN ACT REQUIRING CRIMINAL HISTORY RECORDS CHECKS FOR YOUTH CAMP EMPLOYEES AND VOLUNTEERS.*****SUMMARY:**

As a condition of initial or renewed licensure, this bill requires youth camps to mandate state and national criminal background checks for (1) employees, (2) volunteers, (3) new employees or volunteers, and (4) people affiliated with the camp who are responsible for transporting campers in motor vehicles. Background checks are not required for immigrants who have had a background check within the last six months before beginning work in any of the functions listed above.

The camp must pay for the background checks.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Related Bill***

HB 5199 also requires camp workers to undergo criminal background checks.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 23 Nay 16 (03/31/2009)